

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Michelle Walker,)	C/A No. 3:10-179-JFA-PJG
)	
Plaintiff,)	
v.)	ORDER
)	
Rebecca T. Fouche,)	
)	
Defendant.)	
_____)	

Plaintiff, proceeding *pro se*, brings this action against the defendant raising landlord-tenant issues for defendant’s alleged failure to return plaintiff’s security deposit paid in anticipation of renting a house.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the plaintiff has failed to state a cognizable claim before this federal court. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of her right to file objections to the Report and Recommendation, which was entered on the docket on March 1, 2010. Plaintiff filed timely objections to the Report. In her objections to the Report, the plaintiff merely restates the

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).


claims she made in her original complaint. As such, they are overruled.

The Magistrate Judge properly concludes that plaintiff's claims do not pose a federal question and as a result, this court is without federal jurisdiction to consider the claims. Further, the Magistrate Judge opines that there is no diversity between the parties who are both residents of South Carolina, thus, federal diversity jurisdiction cannot be invoked.

After a careful review of the record, the applicable law, the Report and Recommendation, and the plaintiff's objections thereto, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

April 12, 2010
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge